

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing (day/month/year)	27 MAY 2005
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Applicant's or agent's file reference

620755-3

IMPORTANT NOTIFICATION

International application No.

PCT/US03/09695

International filing date (day/month/year)

28 March 2003 (28.03.2003)

Priority date (day/month/year)

01 April 2002 (01.04.2002)

Applicant

GOODMAN, JOHN, M.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

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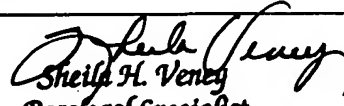
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 620755-3	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US03/09695	International filing date (day/month/year) 28 March 2003 (28.03.2003)	Priority date (day/month/year) 01 April 2002 (01.04.2002)
International Patent Classification (IPC) or national classification and IPC IPC(7): A41D 7/00; A61H 19/00 and US Cl.: 600/038		
Applicant GOODMAN, JOHN, M.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>1</u> sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 		
Date of submission of the demand 24 October 2003 (24.10.2003)	Date of completion of this report 27 April 2005 (27.04.2005)	
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer  John P Lacyk Paralegal Specialist Telephone No. 308-0858 Tech. Center 3700	

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US03/09695

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed.
- ☒ the description:
pages 1-15 as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.
- ☒ the claims:
pages 16-18, as originally filed
pages NONE, as amended (together with any statement) under Article 19
pages 19, filed with the demand
pages NONE, filed with the letter of _____.
- ☒ the drawings:
pages 1-10, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.
- ☐ the sequence listing part of the description:
pages NONE, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US03/09695

V. Reasoned statement under Article 66.2(a)(ii) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims <u>2,8,10,12,14-27,30-31</u>	YES
	Claims <u>1,3-7,9,11,13,28-29,32</u>	NO
Inventive Step (IS)	Claims <u>2,22,24-25,30-31</u>	YES
	Claims <u>1,3-21,23,26-29 and 32</u>	NO
Industrial Applicability (IA)	Claims <u>1-32</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1, 3-7, 9, 11, 13, 28-29, 32 lack novelty under PCT Article 33(2) as being anticipated by JANSEN.

Claims 8, 10, 12, 23, 26 lack an inventive step under PCT Article 33(3) as being obvious over JANSEN. Jansen discloses a device for covering a pubic area of a user. While Jansen does not specifically disclose the extension or securing part being inserted into the vagina to secure the device, it would have been obvious to one skilled in the art at the time the invention was made to use any orifice to secure the device in place. Therefore a modification of Jansen to allow the securing part to be inserted into a vagina to secure the device would have been obvious. Further to include two extensions or securing parts would have been obvious since this would allow for the device to be more secure than only using one. Further it would have been obvious to allow for the extension to be adjustable in order to fit different sizes that would be needed for different users, since everyone is not the same size.

Claims 14-21 lack an inventive step under PCT Article 33(3) as being obvious over JANSEN in view of OSTERRATH or UNSELL. While Jansen teaches a device for covering the pubic area of a user, Jansen does not specifically disclose the use of a waist-encircling band or front panels that extend upwards to cover a wearer's breasts. However Unsell discloses using a waist-encircling band and Osterrath teaches a fabric that extends to cover a user's breasts. A modification of Jansen to include front panels that extend upwardly to cover the breast area of a user would have been obvious since this would have allowed a woman user to be completely covered while using the device. Further the use of a waist-encircling band would have been obvious since this would allow for added security to keep the device on and also ensure the top portions stay up.

Claim 27 lacks an inventive step under PCT Article 33(3) as being obvious over JANSEN in view of KAIN. Jansen fails to teach the use of a vibrator to stimulate the user. Kain teaches that it is well known to include a vibrating means in a device that is inserted into a body orifice to provide or increase sexual stimulation. Therefore a modification of Jansen to include a vibrating means would have been obvious in view of the teachings of Kain.

Claims 2, 22, 24-25 and 30-31 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the use of a protective cover used over the extension, a headdress, a watertight reclosable storage cavity or holder as part of the extension.

----- NEW CITATIONS -----